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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

**PACIFIC INFORMATION
RESOURCES, INC.**

Plaintiff,

v.

**SIMPLE COMMUNICATIONS,
et. al.**

Defendants

CASE NO. CV-07-4131 MMC
[Before the Honorable Maxine M. Chesney,
Courtroom 7]

**PLAINTIFF'S CASE MANAGEMENT
STATEMENT AND PROPOSED ORDER**

The Plaintiff to the above-entitled action submits this Case Management Statement and Proposed Order and request the Court to adopt it as its Case Management Order in this case.

DESCRIPTION OF THE CASE

1. A brief description of the events underlying the action:

Plaintiff operates an Internet Website/Search Engine which enables consumers to perform customized searches of over 30,000 databases which, inter alia, contain public records, and publicly accessible private records, for a various fees. Plaintiff has obtained both copyright and trademark protection for its Website, the contents therein and the software program. Plaintiff's Website has been reviewed and rated among the best on the Internet by respected publications (New York Times) and larger Search Engines such as Yahoo! and Google.

Defendants are the operators of the ISP which assist the cyberpirates who have intentionally circumvented the security measures within Plaintiff's Website and have copied the content and software programs within Plaintiff's Source Code. These cyberpirates have each established their own Website offering the services and products of

Plaintiff's as if these services/produces were their own creation. These cyberpirates are the Defendants in the related case of *Pacific Information Resources v Diana Musselman*, USDC Case No. C06-02306 MMC. Defendants have thus directly and intentionally facilitated these cyberpirates by hosting their illegal websites. These illegal websites have caused extensive confusion in the marketplace and have extensively damaged Plaintiff's business reputation and traffic flow, and thus Plaintiff's cash flow.

The foregoing activities of Defendants has taken months of exhaustive investigation by counsel, a private investigator, and other resources. Defendants have used various schemes and devices to mask their true identities, locations and related parties such as spouses or agents.

Plaintiff has now filed an extensive and comprehensive complaint alleging violations of various federal statutes including, but not limited to the 1978 Copyright Act, Lanham Act, Trademark Dilution Act, Digital Millennium Copyright Act, Computer Fraud and Abuse Act, Anti-Cybersquatting Act, and related state claims under Supplemental Jurisdiction.

2. The principal factual issues which the parties dispute:

On October 2, 2007 Notice of Entry of Default was entered against all Defendants.

3. The principal legal issues which the parties dispute:

See response to Question 2, supra..

4. The other factual issues [e.g. service of process, personal jurisdiction, subject matter jurisdiction or venue] which remain unresolved for the reason stated below and how the parties propose to resolve those issues:

See response to Question 2, supra..

5. The parties which have not been served and the reasons:

See response to Question 2, supra..

6. The additional parties which the below-specified parties intend to join and the intended time frame for such joinder:

See response to Question 2, supra..

7. The following parties consent to assignment of this case to a United States Magistrate Judge for [court or jury] trial:

None, at this time; *see response to Question 2, supra..*

ALTERNATIVE DISPUTE RESOLUTION

8. [Please indicate the appropriate response(s).]: See response to Question 2, supra.

- ☐ **The case was automatically assigned to Nonbinding Arbitration at filing and will be ready for the hearing by (date)_____.**
- ☐ **The parties have filed a Stipulation and Proposed Order Selecting an ADR process (specify process):_____.**
- ☐ **The parties filed a Notice of Need for ADR Phone Conference and the phone conference was held on or is scheduled for _____.**
- ☐ **The parties have not filed a Stipulation and Proposed Order Selecting an ADR process and the ADR process that the parties jointly request [or a party separately requests] is _____.**

9. Please indicate any other information regarding ADR process or deadline.

Not applicable at this time for reasons set forth in Plaintiff's Response to Question No. 2, supra.

DISCLOSURES

10. The parties certify that they have made the following disclosures [list disclosures of persons, documents, damage computations and insurance agreements]:

Not applicable at this time for reasons set forth in Plaintiff's Response to Question No. 2, supra.

DISCOVERY

11. The parties agree to the following discovery plan [Describe the plan e.g., any limitation on the number, duration or subject matter for various kinds of discovery; discovery from experts; deadlines for completing discovery]:

Not applicable at this time for reasons set forth in Plaintiff's Response to Question No. 2, supra.

TRIAL SCHEDULE

12. The parties request a trial date as follows:

Not applicable at this time for reasons set forth in Plaintiff's Response to Question No. 2, supra. Plaintiff wishes to file for injunctive relief and a default judgment.

13. The parties expect that the trial will last for the following number of days:

Not applicable at this time for reasons set forth in Plaintiff's Response to Question No. 2, *supra*.

Dated: November 9, 2007

/s/ Konrad L. Trope
Konrad L. Trope, Esq., SBN 133214
Counsel for Plaintiff Pacific Information Resources,
Inc.

Dated: _____

Not applicable at this time for reasons set forth in
Plaintiff's Response to Question No. 2, *supra*.

[Typed name and signature of counsel.]

CASE MANAGEMENT ORDER

The Case Management Statement and Proposed Order is hereby adopted by the Court as the *Interim* Case Management Order for the case and the parties are ordered to comply with this Order. In addition the Court orders:

[The Court may wish to make additional orders, such as:
a. Schedule a further Case Management Conference;

Dated: _____

UNITED STATES JUDGE